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REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

Independent claims 1-5 have been amended as indicated above. Dependent claim 9 as been amended to take into account the amendments made to claim 2 from which claim 9 depends. Applicants reserve the right to pursue the subject matter of claims 1-5 (and their respective dependent claims), as those claims existed prior to the present Amendment, in one or more continuation applications. Claims 1-20 are pending.

Claims 1-20 are rejected under 35 U.S.C. § 112, first paragraph, as being based on a disclosure which is not enabling. Claims 1-20 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,505,174 to Keiser (Keiser) in view of U.S. Patent No. 6,601,044 to Wallman (Wallman). Applicants respectfully traverse the Examiner's rejections for the reasons set forth below.

Regarding the Examiner's rejection under 35 U.S.C. § 112, first paragraph, the Examiner alleges that the present claims are "single means claims, i.e., where a means recitation does not appear in combination with another recited elements of means," and, therefore, are subject to an undue breadth rejection under 35 U.S.C. § 112, first paragraph. Applicants respectfully disagree with the Examiner's rationale for issuing this rejection.

First of all, the present claims do not recite any elements in "means-plus-function" format. Indeed, the word "means" is nowhere to be found in any of the claims. For this reason alone, the Examiner's rejection under 35 U.S.C. § 112, first paragraph, is improper. Applicants note that the case relied upon by the Examiner to

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support this rejection (*In re Hyatt*) relates to the situation where the patent holder specifically used the means-plus-function format (i.e., "means for incrementally generating . . .") in the claims to invoke the provisions of 35 U.S.C. § 112, sixth paragraph. Clearly, this is not the case with the present application.

Second, independent claims 1-5, as amended above, now positively recite at least two elements, with the addition of the claimed graphical user interface. While the claim amendments were not made in response to the Examiner's rejection under 35 U.S.C. § 112, first paragraph, they provide yet another basis for overcoming the rejection since it can no longer be argued that the claims include but a single element (means or otherwise).

Regarding the Examiner's rejection under 35 U.S.C. § 103, as indicated above, Applicants have amended each of independent claims 1, 2 and 4 to further recite a graphical user interface that can be used by an investor to organize account holdings into one or more groups or subgroups, where the groups or subgroups can be defined by the investor to suit the investor's portfolio structuring desires. Applicants submit that neither Keiser nor Wallman teaches or suggests this feature of the invention. Although Wallman could be argued to teach groups of securities (e.g., the sectors shown in Fig. 4A and/or the categories shown in Fig. 4B of Wallman), these groups are not defined by the investor in the manner claimed. Rather, the groups are understood by Applicants to be predefined portfolios presented to the investor in selection screens by the system of Wallman (see, e.g., col. 30, lns. 32-46 of Wallman). Although an investor may modify the contents of a group in Wallman, the group is still predetermined by the system.

As further indicated above, Applicants have amended independent claims 3 and 5 to further recite a graphical user interface that provides an investor with

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dynamically re-configurable building blocks, each representing at least one of a security and a group of securities held in an account, to enable the investor to build, re-configure and manage the account in a visually intuitive manner and to visually offer the investor portfolio information for the account. Applicants submit that neither Keiser nor Wallman teaches or suggests this feature of the invention. This is evident from both the figures and written descriptions of Keiser and Wallman. Although Wallman does disclose a graphical user interface (see, e.g., Fig. 13 of Wallman), the components of that interface do not include the presently claimed dynamically re-configurable building blocks. Rather, the components of the Wallman interface appear to be fixed. Furthermore, although Wallman does disclose graphical representations of selections within a portfolio, it does not teach or suggest a dynamically interactive graphical user interface that can be used to build, re-configure and manage a hierarchical account structure in a visually intuitive way to allow the investor to easily determine and understand the relationship between all securities in an account, as does the claimed invention.


For at least the foregoing reasons, Applicants submit that the currently pending independent claims 1-5 are patentable over Keiser and Wallman. Further, Applicants submit that dependent claims 6-20 are also patentable over Keiser and Wallman for at the least the reasons set forth above with regard to their respective independent claims.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the rejections of claims 1-20 under 35 U.S.C. §§ 112 and 103. Applicants believe that the present application is now in condition for allowance. An early and favorable action is respectfully solicited.

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Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a one-month extension of time for filing a reply in connection with the present Application. The required fee of \$55.00 is attached hereto via a USPTO Credit Card Payment Form (PTO-2038) filed concurrently herewith.

Respectfully submitted,

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